



WINTER 2008

# architects

a publication of the california architects board ■ public protection through examination, licensure, and regulation

## The Practice of Architecture It's More Than Stamping & Signing Documents

Some licensed architects occasionally lose sight of what constitutes the practice of architecture. Specifically, they might say, "Since I don't stamp and sign construction documents, I'm not practicing architecture." As a result of this incorrect reasoning, they may conclude that the following requirements of the Architects Practice Act don't apply to them:

- Filing a business entity report form
- Using a written contract when providing only "...master planning or schematic design..." services
- Using a written contract or stamping and signing when providing design consultation and/or "drafting" on exempt projects for a contractor/builder friend
- Keeping their license current while working as a Project Architect or Architectural Designer in a firm

In thinking this way, architects are defining their professional practice by

selecting just one required task from the myriad of responsibilities that they are educated, trained, and examined to perform. They are narrowing the scope of what it means to be an architect.

To avoid such incorrect thinking, all licensed architects should periodically review the basic principles and laws guiding and governing their professional lives. The Architects Practice Act defines the practice of architecture in Business and Professions Code (BPC) section 5500.1 as follows:

### **5500.1 Practice of Architecture Defined:**

(a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, profes-

sional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.

This definition makes no mention of the "stamping and signing" task. It simply states that if an individual is offering, performing, or in responsible control of professional services requiring the skills of an architect in planning sites and designing buildings, he or she is engaged in the practice of architecture. The definition applies to all persons whether licensed or not, and whether they are independent consultants, firm principals, or employees.

The Architects Practice Act in BPC section 5536.1 requires architects who prepare or are in responsible control of

**... all licensed architects should periodically review the basic principles and laws guiding and governing their professional lives.**



## President's Message

By Jeffrey D. Heller, FAIA  
Board President, 2004 - 2007

## Board Elects Officers for

# 2008

## Thinking Green in Creating the Built Environment

It is hard to think about green in the aftermath of the Southern California fires, but rebuilding can present tremendous challenges and opportunities. In rebuilding, we are reshaping and reinventing our built environment. We have a chance to do it better, smarter, and safer than before.

California has a lot of experience rebuilding, and our great state is a leader and innovator in many areas. In 2004, on the then-emerging issue of sustainability, Governor Arnold Schwarzenegger issued executive order S-20-04 directing state agencies to lead the way in green efforts. Governor Schwarzenegger's Green Team is chaired by Rosario Marin, Secretary of the State and Consumer Services Agency (the cabinet agency in which the Board is housed).

The Governor's Green Building Initiative and the accompanying Green Building Action Plan provides details about how California will achieve the Governor's goal of reducing grid-based energy purchases for state-owned buildings 20 percent by 2015. California's green building program commits the state to aggressive action to increase energy efficiency and resource conservation in the buildings it owns and leases, while also reducing the amount of greenhouse gas emissions associated with commercial structures. State government is leading by example in the way it designs, constructs, operates, and maintains hundreds of facilities, and is encouraging cities, counties, schools, and the private real estate sector to do the same. More information on the state's green building efforts can be found at [www.green.ca.gov](http://www.green.ca.gov).

Sustainability and rebuilding in the wake of the fires is an unfortunate reminder of a crucial fact — we will have another disaster. Volunteer your expertise so that the recovery is smooth when we rise from the next one. Take the first step today by contacting the Governor's Office of Emergency Services, Safety Assessment Program (SAP) at [www.oes.ca.gov](http://www.oes.ca.gov) or by emailing [Safety\\_Assessment\\_Program@oes.ca.gov](mailto:Safety_Assessment_Program@oes.ca.gov). The SAP provides resources (volunteers and mutual aid) to local governments, assisting them with the evaluation of facilities (buildings and infrastructures) in the aftermath of a disastrous event. As California's architects, we are fortunate to be able to use our skills in so many ways to enhance our state.

At its December 4, 2007 meeting, the Board elected its 2008 officers.

**President** Jon Alan Baker, AIA, an architect member of the Board since 2005 is currently the President of the Board. Baker of San Diego has been President/CEO of NTD Architecture since 1997. Specializing in the design of educational and healthcare facilities, Baker has extensive experience with California state agencies, including the Office of Statewide Health Planning and Development, the Division of the State Architect, and the Department of Education. He chairs the Board's Executive Committee and serves on the Professional Qualifications Committee. Baker also serves as a member of the Western Conference of Architectural Registration Boards' Executive Committee.

**Vice President** Iris Cochlan, CPM, a public member of the Board since 2005, is currently the Vice President of the Board. A resident of El Macero, Cochlan, is senior vice president with Eugene Burger Management Corporation (EBMC) and the regional manager for the Sacramento Central Valley. From 1979 to 2004, Cochlan was the chief executive officer and president of Cochlan/Associates Management Co., a real estate property management firm specializing in senior housing management. She chairs the Board's Communications Committee, serves on the Executive Committee, and is the Board's liaison to the Landscape Architects Technical Committee.

**Secretary** Marilyn Lyon, a public member of the Board since 2006, is currently the Secretary of the Board. A resident of Rancho Palos Verdes, Lyon has been the owner of Lyon & Associates Marketing and Public Relations since 1991. Lyon has been very active working with the South Bay Cities Council of Governments (located in the southern region of Los Angeles County) with their energy efficiency information, education, and savings programs directed toward residents, businesses and public agencies. Lyon served on the Rancho Palos Verdes City Council from 1993 to 2001. She has served as Mayor of the city in 1996 and 2001. Lyon has also served on the Los Angeles Regional Quality Control Board 1997-2000 and the California Board of Professional Engineers and Land Surveyors 1996-2001. She chairs the California Architects Board's Legislative Subcommittee, co-chairs the Examination Committee and serves on the Executive Committee and Communications Committee.



# Enforcement Actions

**CAB is responsible for receiving and investigating complaints against licensees and unlicensed persons. CAB also retains the authority to make final decisions on all enforcement actions taken against its licensees. Included below is a brief description of recent enforcement actions taken by CAB against individuals who were found to be in violation of the Architects Practice Act. Every effort is made to ensure the following information is correct. Before making any decision based upon this information, you should contact CAB. Further information on specific violations may also be obtained by contacting the Board's Enforcement Unit at (916) 575-7208.**

## ADMINISTRATIVE ACTION

**ARTHUR FRANK KENT** (Huntington Beach) Effective April 27, 2007, Arthur Frank Kent's architect license, number C-15748, was revoked; however, revocation was stayed. Kent's license was suspended for 150 days and he was placed on probation for six years with specific terms and conditions, including reimbursing the Board \$8,000 for its investigative and prosecution costs. The action came after a stipulated settlement was negotiated and adopted by the Board.

An Accusation was filed against Kent for alleged violations of Business and Professions Code (BPC) sections 5583 (Fraud in Practice of Architecture), 5584 (Negligence or Willful Misconduct), and 5536.22 (Written Contract). The Accusation alleged that Kent submitted an altered soils report with building plans to the City of Huntington Beach (City) for his client's project, when the soils report was actually for a different project and property. Kent did not prepare or execute a written contract for this project.

In another project, Kent was hired to provide architectural drawings to add an overhang on the front entryway of a residence. The plans that Kent submitted to the City did not pass plan check. The plans were redone, resubmitted, and approved. After the work was completed, water started leaking into the home from the roof, and because of improper drainage, water started to pool on the roof. There was potential water and mold damage to the interior drywall and attic. The City performed a final inspection, issuing a Corrections Notice that the roof pitch must meet the Building Code requirements, regardless of the architect's plans. Kent corrected the plans twice and the City still did not approve those plans. Four months later, the City approved Kent's plans. Subsequently, the contractors refused to work on the project stating that the plans were still incorrectly done. Kent did not prepare or execute a written contract for this project.

## CITATIONS

**JULIE ANN BABIKIAN** (Dana Point) The Board issued an administrative citation that included a \$500 civil penalty to Julie Ann Babikian, an unlicensed individual for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Babikian submitted a plan sheet to the City of Laguna Beach with a title block that stated "Intern Architect." Babikian paid the civil penalty satisfying the citation. The citation became effective on September 21, 2007.

**MALKA BUSSMANN** (Los Angeles) The Board issued an administrative citation that included a \$1,500 civil penalty to Malka Bussmann, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Bussmann executed an agreement to provide "Architectural Services." The agreement was on letterhead which identified her firm as "The Art of Architecture." Bussmann also put out invoices which identified her as an "Architecture Designer" and "Architectural Designer." The citation became effective on November 1, 2007.

**JAY SCOTT CHARLES** (Santa Monica) The Board issued an administrative citation that included a \$1,000 civil penalty to Jay Scott Charles, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Charles was listed on the Internet under the "Architects" heading on Allpages.com, Hellosantamonica.com, Merchantcircle.com, and Michaelgreenwald.com. In addition, Charles' invoices included a charge for an "Architectural Fee" and his firm was identified as "JSC Architects." The citation became effective on August 14, 2007.

## WILLIAM ALEXANDER COFFROTH

(Sacramento) The Board issued an administrative citation that included a \$2,000 civil penalty to William Alexander Coffroth, architect license number C-13842, for alleged violations of BPC section 5584 (Willful Misconduct). The action alleged that Coffroth did not pay his engineering consultants in a timely manner; therefore, the consultants withheld work pending payment for past invoices, which resulted in project delays, consequential contract termination, and monetary damage to the client. Coffroth executed an addendum to his written agreement with the client agreeing to provide proof of his errors and omissions insurance. He later admitted that he did not have insurance and did not intend to obtain it unless the client agreed to continue the project and not retain another architect. Coffroth paid the civil penalty satisfying the citation. The citation became effective on May 30, 2007.

**PATRICK WILEY CONOVER** (Irvine) The Board issued an administrative citation that included a \$3,500 civil penalty to Patrick Wiley Conover, architect license number C-12807, for alleged violations of BPC sections 5536.1(b) (Signature and Stamp on Plans and Documents), 5536.22 (Written Contract), 5582.1 (Signing Other's Plans or Instruments), and 5584 (Negligence) and California Code of Regulations (CCR) section 135(d) (Association). The action alleged that upon taking over a project from an unlicensed individual, Conover failed to provide a copy of the Agreement of Association by certified mail to the Board; failed to place the legend "Licensed Architect" on his stamp; stamped and signed plans not prepared by him, which he knew to be deficient causing the client financial damage; and failed to execute a written contract with the client to provide architectural services. Conover paid the civil penalty satisfying the citation. The citation became effective on May 30, 2007.

Continued on page 6





# ARE Changes Begin July 2008

On July 1, 2008, the National Council of Architectural Registration Boards (NCARB) will introduce a new version of the Architect Registration Examination (ARE). Version 4.0 will be a reformatting of the content in Version 3.1, reducing the number of divisions from nine to seven. ARE 4.0 will be more integrative and will include six divisions containing both graphic vignettes and multiple-choice questions and one division with only graphic vignettes. According to NCARB, the goal of ARE 4.0 is to better integrate the examination while improving the assessment of a candidate's knowledge, skill, and ability to practice architecture.

## Current ARE Version 3.1 Candidates

Candidates who have passed at least one division of ARE 3.1 prior to May 2008 will have until June 30, 2009 to pass all remaining divisions of ARE 3.1. Candidates who do not pass all divisions of ARE 3.1 by this deadline will be required to transition to ARE 4.0.

NCARB has created several charts to aid candidates in understanding the correlation between the two different versions. One such chart is the ARE Reverse Transition Chart, which shows the credit given for ARE 3.1 divisions towards ARE 4.0 divisions. Candidates who are in the process of taking ARE 3.1 (or expect to begin it prior to May 2008) should review this chart to determine the most strategic way to take divisions to accommodate both the transition to the new version and the mandatory six-month waiting period required by NCARB if they fail a division. Candidates are encouraged to visit NCARB's Web site ([www.ncarb.org](http://www.ncarb.org)) and check under the ARE 4.0 heading for other charts and information related to the transition.

## Candidates Who Have Completed ARE Version 3.1

Candidates who have passed all divisions of ARE 3.1 prior to June 30, 2008 will not have to take any division under ARE 4.0.

## Future ARE Version 4.0 Candidates

ARE 4.0 will be available to candidates beginning July 1, 2008. Candidates who have not passed any division of ARE 3.1 prior to May 2008 will not be affected by the transition to ARE 4.0. They will be required to test under ARE 4.0 when it begins. Candidates will not be able to test from May 2008 to July 2008 as NCARB implements ARE 4.0.

## Impact of "Rolling Clock" on Transition

Effective January 1, 2006, NCARB implemented a "Rolling Clock" provision for the validity of ARE scores. Under that provision, candidates for the ARE are required to pass all divisions of the examination within a five-year period. The "Rolling Clock" begins once the first division is passed. Candidates will retain the original five-year period that started under ARE 3.1 as they transition to ARE 4.0.

## Where to Obtain More Information

Candidates can find important information related to the examination transition by visiting NCARB's Web site at [www.ncarb.org](http://www.ncarb.org). The site has the latest update on ARE 4.0 including the ARE Guidelines, Study Guides, and the transition plan proposed for candidates currently taking ARE 3.1. Candidates can email NCARB specific ARE-related questions at [are@ncarb.org](mailto:are@ncarb.org).

Candidates may also contact the California Architects Board by telephone at (916) 574-7220 or by email at [cab@dca.ca.gov](mailto:cab@dca.ca.gov).

## How Will The Transition Impact Candidates?

N C A R B

# ARE® Reverse Transition Chart

To get credit for this division in ARE 4.0...

<b>Programming Planning &amp; Practice</b>  <ul style="list-style-type: none"> <li>■ 85 MC Questions</li> <li>■ Site Zoning</li> </ul>	<b>Site Planning &amp; Design</b>  <ul style="list-style-type: none"> <li>■ 65 MC Questions</li> <li>■ Site Grading</li> <li>■ Site Design</li> </ul>	<b>Building Design &amp; Construction Systems</b>  <ul style="list-style-type: none"> <li>■ 85 MC Questions</li> <li>■ Accessibility / Ramp</li> <li>■ Stair Design</li> <li>■ Roof Plan</li> </ul>	<b>Schematic Design</b>  <ul style="list-style-type: none"> <li>■ Interior Layout</li> <li>■ Building Layout</li> </ul>	<b>Structural Systems</b>  <ul style="list-style-type: none"> <li>■ 125 MC Questions</li> <li>■ Structural Layout</li> </ul>	<b>Building Systems</b>  <ul style="list-style-type: none"> <li>■ 95 MC Questions</li> <li>■ Mechanical &amp; Electrical Plan</li> </ul>	<b>Construction Documents &amp; Services</b>  <ul style="list-style-type: none"> <li>■ 100 MC Questions</li> <li>■ Building Section</li> </ul>
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You must pass these divisions in ARE 3.1 by June 30, 2009...

<b>Pre-Design</b>  <ul style="list-style-type: none"> <li>■ 105 MC Questions</li> </ul>	<b>Pre-Design</b>  <ul style="list-style-type: none"> <li>■ 105 MC Questions</li> </ul>	<b>Building Technology</b>  <ul style="list-style-type: none"> <li>■ Building Section</li> <li>■ Structural Layout</li> <li>■ Accessibility/Ramp</li> <li>■ Mech &amp; Elec Plan</li> <li>■ Stair Design</li> <li>■ Roof Plan</li> </ul>	<b>Building Planning</b>  <ul style="list-style-type: none"> <li>■ Interior Layout</li> <li>■ Schematic Design</li> </ul>	<b>Building Technology</b>  <ul style="list-style-type: none"> <li>■ Building Section</li> <li>■ Structural Layout</li> <li>■ Accessibility/Ramp</li> <li>■ Mech &amp; Elec Plan</li> <li>■ Stair Design</li> <li>■ Roof Plan</li> </ul>	<b>Building Technology</b>  <ul style="list-style-type: none"> <li>■ Building Section</li> <li>■ Structural Layout</li> <li>■ Accessibility/Ramp</li> <li>■ Mech &amp; Elec Plan</li> <li>■ Stair Design</li> <li>■ Roof Plan</li> </ul>	<b>Building Technology</b>  <ul style="list-style-type: none"> <li>■ Building Section</li> <li>■ Structural Layout</li> <li>■ Accessibility/Ramp</li> <li>■ Mech &amp; Elec Plan</li> <li>■ Stair Design</li> <li>■ Roof Plan</li> </ul>
+	+	+		+	+	+
<b>Site Planning</b>  <ul style="list-style-type: none"> <li>■ Site Zoning</li> <li>■ Site Grading</li> <li>■ Site Design</li> </ul>	<b>Site Planning</b>  <ul style="list-style-type: none"> <li>■ Site Zoning</li> <li>■ Site Grading</li> <li>■ Site Design</li> </ul>	<b>Building Design/ Materials &amp; Methods</b>  <ul style="list-style-type: none"> <li>■ 105 MC Questions</li> </ul>		<b>General Structures</b>  <ul style="list-style-type: none"> <li>■ 85 MC Questions</li> </ul>	<b>Mechanical &amp; Electrical Systems</b>  <ul style="list-style-type: none"> <li>■ 105 MC Questions</li> </ul>	<b>Construction Documents &amp; Services</b>  <ul style="list-style-type: none"> <li>■ 115 MC Questions</li> </ul>

The Architect Registration Examination® is changing for the better. In July 2008, NCARB will launch ARE 4.0. This latest version of the exam updates and improves the current format by combining graphic and multiple choice content in six of the seven divisions. The goal of ARE 4.0 is to better integrate the examination while improving the assessment of a candidate's knowledge, skill, and ability to practice architecture independently.

If you have passed at least one division of ARE 3.1 before May 2008, you will have until June 2009 to pass all remaining divisions of ARE 3.1. If you pass all divisions

before the end of the one year overlap, you will not have to take any division of ARE 4.0.

If you do not pass all of the nine divisions of ARE 3.1 before June 30, 2009, you will be transitioned to ARE 4.0. Please use this chart to determine which divisions you will receive credit for in ARE 4.0 based on your ARE 3.1 performance, should you not complete ARE 3.1.

Please refer to the Council's web site for additional information and periodic updates.



### Lateral Forces

■ 75 MC Questions



**JAMES CUTLER** (Bainbridge Island, WA) The Board issued an administrative citation that included a \$2,000 civil penalty to James Cutler, an unlicensed individual for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Cutler executed an "AIA Document B151 - 1997 Abbreviated Standard Form of Agreement Between Owner and Architect" to provide design services for a residence located in Bodega, California. The agreement described the architect's responsibilities and scope of architect's basic services to be provided. Cutler signed his name above the title "ARCHITECT." Cutler also prepared a listing titled "Construction Documents" with a heading stating "Cutler Anderson Architects" and prepared an "AIA Document A101-1997 Standard Form of Agreement Between Owner and Contractor," stating that he was the "Architect" on the agreement. Cutler's contract documents for the project included title blocks and a cover sheet of the Project Manual, which stated "Cutler Anderson Architects." The citation became effective on August 20, 2007.

**DAVID DANIEL** (San Diego) The Board issued an administrative citation that included a \$1,000 civil penalty to David Daniel, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Daniel's business card included the term "Architecture" in the business name. In addition, Daniel's firm Aldrin Architecture & Design, Inc. had an advertisement in the San Diego Home/Garden Lifestyles magazine. Daniel was listed on the Internet under the "Architects" heading on Merchantcircle.com and Superpages.com. Daniel also stated during a meeting with a client that "Aldrin is a one-stop shop, Title 24 calculations, structural engineering, civil engineering, landscape architecture, and architectural services;" and that he was a licensed architect with several years of experience and a member of The American Institute of Architects. The citation became effective on August 14, 2007.

**OSCAR A. ENSAFI** (Van Nuys) The Board issued an administrative citation that included a \$250 civil penalty to Oscar A. Ensafi, an unlicensed individual, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Ensafi put out a business card which stated that he provides "Architectural Plans." Ensafi paid the civil penalty satisfying the citation. The citation became effective on November 6, 2007.

**CAMPBELL GREY** (Bear Valley Springs) The Board issued an administrative citation that included a \$1,000 civil penalty to Campbell Grey, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Unauthorized Practice). The action alleged that Grey offered to prepare and then prepared preliminary drawings for a three-story residence, which is not a building described in BPC section 5537(a) as an exempt building. The citation became effective on August 14, 2007.

**NORMAN F. HIGH** (San Simeon) The Board issued an administrative citation that included a \$1,500 civil penalty to Norman F. High, architect license number C-17140, for alleged violations of BPC 5536.22(a) (Written Contract), 5584 (Willful Misconduct) and CCR 160(c)(2) (Rules of Professional Conduct). The action alleged that High failed to include statutorily required language in his written contract; failed to disclose his financial relationship with the contractor in writing to the client; and cashed a payment check prior to building department approval, which was contrary to the contract. High paid the civil penalty satisfying the citation. The citation became effective on September 28, 2007.

**MIGUEL IBARRA** (Anaheim) The Board issued an administrative citation that included a \$500 civil penalty to Miguel Ibarra, an unlicensed individual, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Ibarra submitted a Design Review Application to the City of Claremont in which he identified himself as an architect. The citation became effective on August 14, 2007.

**GUNTHER LIEDL** (Beverly Hills) The Board issued an administrative citation that included a \$1,000 civil penalty to Gunther Liedl, an unlicensed individual for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Liedl used a business card and letterhead which stated "Liedl & Associates, Architects/Engineers, Corp." and "Forensic Architecture." The citation became effective on June 12, 2007.

**ROBERT LLOYD LINNAUS** (Laguna Hills) The Board issued an administrative citation that included a \$750 civil penalty to Robert Lloyd Linnaus, architect license number C-18713, for alleged violations of BPC 5536.22(a) (Written Contract) and 5584 (Willful Misconduct). The action alleged that Linnaus

failed to include statutorily required language in a written contract for providing professional services, and he failed to complete the work that he was paid to do by not responding to the plan corrections checklist. The citation became effective on May 30, 2007.

**JAMES R. NEWMAYER** (Placerville) The Board issued an administrative citation that included a \$1,500 civil penalty to James R. Newmeyer, architect license number C-9842, for alleged violations of BPC section 5584 (Negligence). The action alleged that under the standards of practice and care, Newmeyer failed to base the site grading and drainage system plan on either his own demonstrable expertise or the report of a civil or geotechnical engineer; failed to get written authorization from the owner/client for additions or changes to the plans; and failed to notify the prior architect of record of any changes to the plans. The citation became effective on October 9, 2007.

**TIMOTHY RHOADS** (Corona Del Mar) The Board issued an administrative citation that included a \$5,000 civil penalty to Timothy Rhoads, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Rhoads provided two proposals for "Architectural Services" in which he offered "Architectural Design" and identified himself as an "Architect." Rhoads paid the civil penalty satisfying the citation. The citation became effective on September 12, 2007.

**THOMAS J. SCHOUSTRA** (San Diego) The Board issued an administrative citation that included a \$1,500 civil penalty to Thomas J. Schoustra, an unlicensed individual, dba Grace & Associates, L.T.D., for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Schoustra put out a written proposal, a business card and an invoice with the word "Architectural" and identified Schoustra as an "Architect." The citation became effective on October 15, 2007.

**TIM A. SHAEFFER** (Redlands) The Board issued an administrative citation that included a \$500 civil penalty to Tim A. Shaeffer, an unlicensed individual, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Shaeffer executed a written contract offering "Architectural Design." The citation became effective on September 24, 2007.

**CECIL W. SWASON** (Plymouth) The Board issued an administrative citation that included a

\$1,000 civil penalty to Cecil W. Swason, architect license number C-8991, for an alleged violation of BPC section 5536.22 (Written Contract). The action alleged that Swason failed to execute a written contract when providing professional services to a client. Swason paid the civil penalty satisfying the citation. The citation became effective on August 17, 2007.

**MATHEW TRUJILLO** (Panorama City) The Board issued an administrative citation that included a \$2,500 civil penalty to Mathew Trujillo, an unlicensed individual for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Trujillo was listed under the "Architects" heading on the Internet at Yellowpages.com. The citation became effective on October 12, 2007.

**SYLVIA VEGA** (Harbor City) The Board issued an administrative citation that included a \$1,000 civil penalty to Sylvia Vega, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Vega signed a proposal to provide "Architectural Design." In addition, Vega's title block on the construction documents included the word "Architecture." Vega paid the civil penalty satisfying the citation. The citation became effective on August 6, 2007.

**RONALD LEE WEHENKEL** (Costa Mesa) The Board issued an administrative citation that included a \$500 civil penalty to Ronald Lee Wehenkel, architect license number C-25345, for alleged violations of BPC sections 5536.22(a) (Written Contract) and 5584 (Negligence). The action alleged that Wehenkel failed to include statutorily required language in a written contract, complete the work, obtain a building permit, and maintain records for the project. Wehenkel paid the civil penalty satisfying the citation. The citation became effective on August 10, 2007.

**DANI YAMINZKY** (Encino) The Board issued an administrative citation that included a \$5,000 civil penalty to Dani Yaminzky, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Yaminzky's company, Accurate Builders, Inc., was listed on the Internet under the "Engineer-Architect" heading on Allpages.com/encino. In addition, Yaminzky's company mailed out an advertisement flyer, which stated that they provide "Architect Design" and that they have "Architects on Site." The citation became effective on August 29, 2007.

# The Practice of Architecture

## It's More Than Stamping & Signing Documents

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instruments of service to stamp and sign them as evidence of their responsibility for the documents. There are many "instruments of service" in addition to construction documents that architects create and provide in the course of applying their skills that warrant evidence of responsibility. This section very clearly exempts employees of licensed persons from this stamp and signature requirement while they act within the course of their employment.

In light of the information above, the following applies in regard to the items mentioned at the start of the article:

- Each person holding a license to practice architecture is required to file a business entity report form. [BPC section 5558]
- Architects are required to use a written contract when providing their professional services no matter the project type (exempt or non-exempt) or how limited their scope of service may be. [BPC section 5536.22]
- Architects are required to provide evidence of their responsibility for their instruments of service no matter the project type (exempt or non-exempt) or how limited their scope of service may be. [BPC section 5536.1]
- Only holders of a current license can practice architecture, use the title architect, represent themselves as qualified to practice architecture, or use any terms or titles such as Project Architect or Architectural Designer. [BPC section 5536(a)]

If you have any questions in regard to this information, you may contact the California Architects Board by telephone at (916) 575-7208 or by email at [cab@dca.ca.gov](mailto:cab@dca.ca.gov).

## Building Code Update

The 2007 California Building Standards Code (CBSC) became effective on January 1, 2008. These codes were published in July 2007 and contain 12 parts that incorporate public health, life safety, and general welfare standards used in the design and construction of buildings in California.

California Building Officials continue to offer training classes about the code for architects, builders, building department personnel, and engineers. Information on the training classes is available on the California Building Officials Web site ([www.calbo.org](http://www.calbo.org)).

For more information about the new building codes, their publishers, and the CBSC, please visit them online at [www.bsc.ca.gov](http://www.bsc.ca.gov).

# architects

California Architects Board

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## Board Members

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Iris Cochlan, Vice President, Public Member  
Marilyn Lyon, Secretary, Public Member  
Larry Guidi, Public Member  
Pasqual Gutierrez, Architect Member  
Jeffrey D. Heller, Architect Member  
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## A S S E M B L Y B I L L 9 3 7 : Changes to Architects Practice Act

On October 10, 2007, Governor Schwarzenegger signed Assembly Bill 937, which became effective on January 1, 2008. The bill included additions and modifications to statutory language in both the Architects Practice Act and the Landscape Architects Practice Act.

The text of amendments to Business and Professions Code (BPC) section 5535 of the Architects Practice Act was developed in collaboration with The American Institute of Architects, California Council (AIACC), which sponsored the proposal in the Legislature. These amendments were designed to clarify acceptable practice methods allowed under the Act; to correlate the language of this section to other related statutes; and to solidify the statutory base for proposed changes to related California Code of Regulations sections. The key changes/additions to the statute include the following:

- Expansion of the definitions of "person" to include partnership, general, and professional corporations
- Revision of the definition of "responsible control" to mean control of the content of all architectural instruments of service not just "technical submissions" as previously required
- Clarification of business entities, collaborations, and working relationships allowed for the practice, including control criteria

The newly adopted statutory revisions to BPC section 5535 can be found by going to the Board's Web site [www.cab.ca.gov](http://www.cab.ca.gov).

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